

PANAJI, 13TH JANUARY, 1994 (PAUSA 23, 1915)

SERIES I No. 42



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

**NOTE:**— There is one Extraordinary issue to the Official Gazette, Series I No. 41 dated 6-1-94 as follows:

Extraordinary dated 11-1-94 from pages 671 to 672 regarding Notification from Law (Legal and Legislative Affairs) Department.

### GOVERNMENT OF GOA

Public Health Department

#### ORDER

13/59/88-I/PHD

- Read: (1) Government order No. PHD/32/75/FPP/4183 dated 9th May, 1978.  
 (2) Government order No. PHD/32/75/FPP/4183 dated 26th April, 1985.

In pursuance of Government of India, Ministry of Health and Family Welfare (Department of Family Welfare) New Delhi, letter No. N. 37018/10/93-PLY dated 11-1-1985, Government of Goa is pleased to amend the Goa, Daman and Diu Ex-gratia financial assistance (in cases of fatality/complications resulting from tubectomy/Vasectomy operations and I. U. D. insertions) Rules, 1978 as follows, namely:—

1. *Short title, extent and commencement.*— (1) These rules may be called the Goa Ex-gratia financial assistance (in cases of fatality/complications resulting from tubectomy/Vasectomy operations and I. U. D. insertions) (Amendment) Rules, 1993.

(2) They shall come into force from the date of issue of this order.

2. *Amendment of rule 4.*— In sub rule (ii) of rule 4 of the Goa, Daman and Diu Ex-gratia financial assistance (in cases of fatality/complications resulting from tubectomy/Vasectomy operations and I. U. D. insertions) Rules, 1978, for the word and figures “Rs. 5000/-” the word and figures “Rs. 10,000/-” shall be substituted.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 27th December, 1993.

#### LAW (LEGAL & LEGISLATIVE AFFAIRS) DEPARTMENT

##### Notification

10-2-92/LA (Part)

The Acquisition of Certain Area at Ayodhya Act, 1993 (Central Act 33 of 1993) which has been passed by Parliament and assented to by the President of India on 3-4-1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 3-4-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 2nd November, 1993.

#### THE ACQUISITION OF CERTAIN AREA AT AYODHYA ACT, 1993

AN

ACT

to provide for the acquisition of certain area at Ayodhya and for matters connected therewith or incidental thereto.

Whereas there has been a long-standing dispute relating to the structure (including the premises of the inner and outer courtyards of such structure), commonly known as the Ram Janma Bhumi-Babri Masjid, situated in village Kot Ramchandra in Ayodhya, in Pargana Haveli Avadh, in tehsil Faizabad Sadar, in the district of Faizabad of the State of Uttar Pradesh;

And Whereas the said dispute has affected the maintenance of public order and harmony between different communities in the country;

And Whereas it is necessary to maintain public order and to promote communal harmony and the spirit of common brotherhood amongst the people of India;

And Whereas with a view to achieving the aforesaid objectives, it is necessary to acquire certain areas in Ayodhya;

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

## CHAPTER I

### Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Acquisition of Certain Area at Ayodhya Act, 1993.

(2) It shall be deemed to have come into force on the 7th day of January, 1993.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “area” means the area (including all the buildings, structures or other properties comprised therein) specified in the Schedule;

(b) “authorised person” means a person or body of persons or trustees of any trust authorised by the Central Government under section 7;

(c) “Claims Commissioner” means the Claims Commissioner appointed under sub-section (2) of section 8;

(d) “prescribed” means prescribed by rules made under this Act.

## CHAPTER II

### Acquisition of the area in Ayodhya

3. *Acquisition of rights in respect of certain area.*—On and from the commencement of this Act, the right, title and interest in relation to the area shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

4. *General effect of vesting.*—(1) The area shall be deemed to include all assets, rights, leaseholds, powers, authority and privileges and all property, movable and immovable, including lands, buildings, structures, shops of whatever nature or other properties and all other rights and interests in, or arising out of, such properties as were immediately before the commencement of this Act in the ownership, possession, power or control of any person or the State Government of Uttar Pradesh, as the case may be, and all registers, maps, plans, drawings and other documents of whatever nature relating thereto.

(2) All properties aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them and any attachment, injunction, decree or order of any court or tribunal or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall cease to have any effect.

(3) If, on the commencement of this Act, any suit, appeal or other proceeding in respect of the right, title and interest relating to any property which has vested in the Central Government under section 3, is pending before any court, tribunal or other authority, the same shall abate.

5. *Duty of person or State Government in charge of the management of the area to deliver all assets, etc.*—(1) The Central Government may take all necessary steps to secure possession of the area which is vested in that Government under section 3.

(2) On the vesting of the area in the Central Government under section 3, the person or State Government of Uttar Pradesh, as the case may be, in charge of the management of the area immediately before such vesting shall be bound to deliver to the Central Government or the authorised person, all assets, registers and other documents in their custody relating to such vesting or where it is not practicable to deliver such registers or documents, the copies of such registers or documents authenticated in the prescribed manner.

6. *Power of Central Government to direct vesting of the area in another authority or body or trust.*—

(1) Notwithstanding anything contained in sections 3, 4, 5 and 7, the Central Government may, if it is satisfied that any authority or other body, or trustees of any trust, set up on or after the commencement of this Act is or are willing to comply with such terms and conditions as that Government may think fit to impose, direct by notification in the Official Gazette, that the right, title and interest or any of them in relation to the area or any part thereof, instead of continuing to vest in the Central Government, vest in that authority or body or trustees of that trust either on the date of the notification or on such later date as may be specified in the notification.

(2) When any right, title and interest in relation to the area or part thereof vest in the authority or body or trustees referred to in sub-section (1), such rights of the Central Government in relation to such area or part thereof, shall, on and from the date of such vesting, be deemed to have become the rights of that authority or body or trustees of that trust.

(3) The provisions of sections 4, 5, 7 and 11 shall, so far as may be, apply in relation to such authority or body or trustees as they apply in relation to the Central Government and for this purpose references therein to the “Central Government” shall be construed as references to such authority or body or trustees.

## CHAPTER III

### Management and Administration of Property

7. *Management of property by Government.*—(1) Notwithstanding anything contained in any contract or instrument or order of any court, tribunal or other authority to the contrary, on and from the commencement of this Act, the property vested in the Central Government under section 3 shall be managed by the Central Government or by a person or body of persons or trustees of any trust authorised by that Government in this behalf.

(2) In managing the property vested in the Central Government under section 3, the Central Government or the authorised person shall ensure that the position existing before the commencement of this Act in the area on which the structure (including the premises of the inner and outer courtyards of

such structure), commonly known as the Ram Jahma Bhumi-Babri Masjid, stood in village Kot Ramchandra in Ayodhya, in Pargana Haveli Avadh, in tehsil Faizabad Sadar, in the district of Faizabad of the State of Uttar Pradesh is maintained.

#### CHAPTER IV

##### Miscellaneous

**8. Payment of amount.** — (1) The owner of any land, building, structure or other property comprised in the area shall be given by the Central Government, for the transfer to and vesting in that Government under section 3 of that land, building, structure or other property, in cash an amount equivalent to the market value of the land, building, structure or other property.

(2) The Central Government shall, for the purpose of deciding the claim of the owner or any person having a claim against the owner under sub-section (1), by notification in the Official Gazette, appoint a Claims Commissioner.

(3) The Claims Commissioner shall regulate his own procedure for receiving and deciding the claims.

(4) The owner or any person having a claim against the owner may make a claim to the Claims Commissioner within a period of ninety days from the date of commencement of this Act:

Provided that if the Claims Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of ninety days, the Claims Commissioner may entertain the claim within a further period of ninety days and not thereafter.

**9. Act to override all other enactments.** — The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act or any decree or order of any court, tribunal or other authority.

**10. Penalties.** — Any person who is in charge of the management of the area and fails to deliver to the Central Government or the authorised person any asset, register or other document in his custody relating to such area or, as the case may be, authenticated copies of such register or document, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees, or with both.

**11. Protection of action taken in good faith.** — No suit, prosecution or other legal proceeding shall lie against the Central Government or the authorised person or any of the officers or other employees of that Government or the authorised person for anything which is in good faith done or intended to be done under this Act.

**12. Power to make rules.** — (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be

after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**13. Repeal and saving.** — (1) Subject to the provisions of sub-section (2), the Acquisition of Certain Area at Ayodhya Ordinance, 1993, is hereby repealed. Ord. 8 of 1993.

(2) Notwithstanding anything contained in the said Ordinance,—

(a) the right, title and interest in relation to plot No. 242 situated in village Kot Ramchandra specified against Sl. No. 1 of the Schedule to the said Ordinance shall be deemed never to have been transferred to, and vested in, the Central Government;

(b) any suit, appeal or other proceeding in respect of the right, title and interest relating to the said plot No. 242, pending before any court, tribunal or other authority, shall be deemed never to have abated and such suit, appeal or other proceeding (including the orders or interim orders of any court thereon) shall be deemed to have been restored to the position existing immediately before the commencement of the said Ordinance;

(c) any other action taken or thing done under that Ordinance in relation to the said plot No. 242 shall be deemed never to have been taken or done.

(3) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### THE SCHEDULE

[See Section 2(a)]

Description of the Area

Sl. No.	Name of Village/Pargana/ Tehsil/ District/State	Revenue (Khasra) Plot No.	Area to be acquired		
			Bigha	Biswa	Biswansi
(1)	(2)	(3)	(4)	(5)	(6)
1.	Village Kot Ramchandra, Pargana Haveli Avadh, tehsil Faizabad Sadar, District Faizabad, Uttar Pradesh.	143 144 145 146 147 158 159 160 161	0 0 0 1 5 0 0 5 0	9 7 8 6 8 4 13 13 18	0 0 0 7 8 0 8 0 0



(1)	(2)	(3)	(4)	(5)	(6)
		1206	0	7	0
		1210	0	1	5
		1211	0	2	5
		1212	0	11	5
		1213	0	2	10
		1214	0	7	0
		1215	0	0	15
		1216	0	0	15
		1217	0	3	5
		1218	0	4	10
		1219	0	5	0
		1220	0	7	5
		1221	0	11	10
		1222	0	4	0
		1223	0	1	15
		1225	0	12	15
		1226	0	8	10
		1227	0	7	15
		1228	0	4	15
		1229	0	1	0
		1230	0	13	5
		1231	0	7	5
		1232	0	1	6
		1233	0	4	15
		1234	0	7	5
		1235	0	1	6
		1236	0	2	5
		1237	0	9	10
		1238	0	1	18
		1239	0	1	10
		1240	0	8	15
		1241	0	1	10
		1242	0	1	15
		1243	0	2	0
		1247	0	5	0
(part) Bounded by plot No.					
1248 on North, plot No. 1246 on South and plot No.					
1291 on East/Road.					
		1248	1	7	10
		1249	0	0	13
		1250	0	7	7
		1251	0	8	0
		1252	0	9	0
		1253	0	12	10
		1254	0	4	0
		1255	0	2	0
		1256	0	2	0
		1257	0	2	10
		1258	0	2	5
		1259	0	1	10
			27	00	11
3. Village Jalwan- pur, Pargana Haveli Avadh, tehsil Faizabad Sadar, District Faizabad, Uttar Pradesh.		1	0	3	5
		2	1	1	0
		3	0	0	5
		4	1	9	15
		5	0	0	10
		6	0	19	0
		7	0	2	15
		8	0	4	15
		9	0	10	10
		10	0	0	10
		11	0	3	0
		12	0	14	5
		13	0	10	0
		14	0	0	10
		15	0	15	15
		16	0	8	15
		17	0	3	15
		18	0	6	5
		19	0	7	5
		27	1	6	0
			9	7	15

## Notification

10-2-92/LA (Part)

The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993 (Central Act 32 of 1993) which has been passed by Parliament and assented to by the President of India on 3-4-1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 3-4-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th November, 1993.

THE INTEREST ON DELAYED PAYMENTS TO  
SMALL SCALE AND ANCILLARY INDUSTRIAL  
UNDERTAKINGS ACT, 1993

AN

ACT

*to provide for and regulate the payment of interest on delayed payments to small scale and ancillary industrial undertakings and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 23rd day of September, 1992.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “ancillary industrial undertaking” has the meaning assigned to it by clause (aa) of section 3 of the Industries (Development and Regulation) Act, 1951;

(b) “appointed day” means the day following immediately after the expiry of the period of thirty days from the day of acceptance or the day of deemed acceptance of any goods or any services by a buyer from a supplier;

*Explanation.*—For the purposes of this clause,—

(i) “the day of acceptance” means,—

(a) the day of the actual delivery of goods or the rendering of services; or

(b) where any objection is made in writing by the buyer regarding acceptance of goods or services within thirty days from the day of the delivery of goods or the rendering of services, the day on which such objection is removed by the supplier;

(ii) "the day of deemed acceptance" means, where no objection is made in writing by the buyer regarding acceptance of goods or services within thirty days from the day of the delivery of goods or the rendering of services, the day of the actual delivery of goods or the rendering of services;

(c) "buyer" means whoever buys any goods or receives any services from a supplier for consideration;

(d) "goods" means every kind of movable property other than actionable claims and money;

(e) "small scale industrial undertaking" has the meaning assigned to it by clause (j) of section 3 of the Industries (Development and Regulation) Act, 1951; 65 of 1951.

(f) "supplier" means an ancillary industrial undertaking or a small scale industrial undertaking holding a permanent registration certificate issued by the Directorate of Industries of a State or Union territory.

**3. Liability of buyer to make payment.** — Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment therefor on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day.

**4. Date from which and rate at which interest is payable.** — Where any buyer fails to make payment of the amount to the supplier, as required under section 3, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in force, be liable to pay interest to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at such rate which is five per cent. points above the floor rate for comparable lending.

**Explanation.** — For the purposes of this section, "floor rate for comparable lending" means the highest of the minimum lending rates charged by scheduled banks (not being co-operative banks) on credit limits in accordance with the directions given or issued to banking companies.

generally by the Reserve Bank of India under the Banking Regulation Act, 1949. <sup>10 of 1949.</sup>

**5. Liability of buyer to pay compound interest.** — Notwithstanding anything contained in any agreement between a supplier and a buyer or in any law for the time being in force, the buyer shall be liable to pay compound interest (with monthly rests) at the rate mentioned in section 4 on the amount due to the supplier.

**6. Recovery of amount due.** — The amount due from a buyer, together with the amount of interest calculated in accordance with the provisions of sections 4 and 5, shall be recoverable by the supplier from the buyer by way of a suit or other proceeding under any law for the time being in force.

**7. Appeal.** — No appeal against any decree, award or other order shall be entertained by any court or other authority unless the appellant (not being a supplier) has deposited with it seventy-five per cent. of the amount in terms of the decree, award or, as the case may be, other order in the manner directed by such court or, as the case may be, such authority.

**8. Requirement to specify unpaid amount with interest in the annual statement of accounts.** — Where any buyer is required to get his annual accounts audited under any law for the time being in force, such buyer shall specify the amount together with the interest in his annual statement of accounts as remains unpaid to any supplier at the end of each accounting year.

**9. Interest not to be allowed as deduction from income.** — Notwithstanding anything contained in the Income-tax Act, 1961, the amount of interest payable or paid by any buyer, under or in accordance with the provisions of this Act, shall not, for the purposes of computation of income under the Income-tax Act, 1961, <sup>43 of 1961.</sup> be allowed as deduction.

**10. Overriding effect.** — The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**11. Repeal and saving.** — (1) The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Ordinance, 1993 is hereby Ord. 4 of repealed. <sup>1993</sup>

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.